

MINUTES FOR REGULAR MEETING  
EAST STROUDSBURG BOROUGH COUNCIL  
TUESDAY AUGUST 3, 2021 - 7:15 p.m.

PRESENT IN PERSON: William T. Reese; Carrie Panepinto; Maury Molin; Don Cross; Roger DeLarco; Borough Manager Brian Bond. Also present were: Solicitor John Prevoznik; Zoning Officer Marv Walton; Public Works Director Brian Ace; and Borough Engineer Russ Scott

VIRTUALLY PRESENT: Mayor Armand Martinelli

ABSENT: Sonia Wolbert

The Pledge of Allegiance was led by Brian Ace.

**Solicitor's Report on Executive Session**

The Solicitor reported that an Executive Session was held on August 3, 2021 starting at 6:45 p.m., prior to the start of the Council meeting; all members of Council were present aside from Ms. Wolbert;; also present were Mr. Bond and Mr. Prevoznik. Mayor Martinelli was not present. Mr. Walton joined Executive Session at 6:55 p.m. The following matters were discussed: a property acquisition matter; three litigation matters at various properties which will be the subject of enforcement actions brought by the Borough; Executive Session ended at 7:21 p.m. No decisions were made.

**July 20, 2021 Council Minutes**

A motion was made by Mr. Molin and seconded by Mr. Cross to approve the minutes of the July 20, 2021 Council meeting. The motion carried unanimously.

**Public Hearing, Ordinance 1381, amending Chapter 150, Vehicles and Traffic**

A motion was made by Mr. Molin and seconded by Mr. Cross to recess the regular meeting and convene the public hearing. The motion carried unanimously.

Ordinance 1381 is amending Chapter 150, Vehicles and Traffic, Article VI, Snow and Ice Emergencies, Section 45, Declaration of Snow and Ice Emergency, of the East Stroudsburg Borough Code of Ordinances. This changes the power to declare emergencies from the Mayor to the Manager in consultation with the Director of Public Works. The change from Mayoral-declared emergencies to staff-declared emergencies was done in consultation with the Mayor. The Mayor recommended this amendment since the previous method was not an efficient means of declaring snow and ice emergencies. The change in the Ordinance will allow the staff to declare snow and ice emergencies without the necessity of a middle man. Mayor Martinelli reiterated his position at the meeting.

With no questions or comments from Council or the public, a motion was made by Mr. Cross and seconded by Mr. Molin to enter exhibits 1 through 3 into evidence (Exhibit 1 – Ordinance; Exhibit 2 – Proof of Publication; Exhibit 3 – Sign in Sheet). The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to close the public hearing and reconvene the regular meeting. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve Ordinance 1381, amending Chapter 150, Vehicles and Traffic, Article VI, Snow and Emergencies, as advertised. The motion carried unanimously.

**Public Hearing, Ordinance 1382, authorizing the acquisition through purchase or eminent domain for a permanent utility and access easement**

A motion was made by Ms. Panepinto and seconded by Mr. Molin to recess the regular meeting and convene the public hearing. The motion carried unanimously.

Ordinance 1382 authorizes 1) the acquisition, through purchase or eminent domain, a permanent water utility and access easement, consisting of 6,415 square feet, more or less, for the purpose of ingress, egress, regress, access, construction, installation, maintenance, operation, repair, replacement, extension, enlargement, and removal of public water utility water mains with attendant facilities within the Borough of East Stroudsburg, Tax Parcel No. 05-1/1/6/19-3, with an address of 349 Braeside Avenue, East Stroudsburg, owned by Braeside Apartments, LLC; 2) authorizes the Borough, through its officers, manager, solicitor, and engineers to take all necessary steps to effectuate the taking of the aforesaid permanent water utility and access easement; 3) provides for the severability of the provisions of said ordinance; 4) repeals or rescinds all ordinances or parts thereof which are inconsistent herewith; and 5) sets an immediate effective date. The ordinance also authorizes the Borough to file the plan for condemnation with the appropriate Office(s) of record in and for Monroe County.

Mr. Bond stated that he entered into negotiations with the property owner and has not been successful in obtaining all of what the Borough requires in order to obtain an easement. PennDOT has issued a plan to improve portions of Interstate Route 80 and the East Stroudsburg Borough Route 80 interchange which improvements impact roadways within the Borough, including Braeside Avenue. The waterline which is currently on the 349 Braeside Avenue property needs to be relocated on that property due to the PennDOT project. PennDOT has already condemned the same area in order to construct the waterline. Other necessary easements for this project have already been acquired. Mr. Bond stated that he received an email from the owner of this property on August 7, 2021 which included a copy of the executed easement. A release of liens from the mortgage holder is also required in order to obtain the easement for compensation, and without this, the Borough cannot obtain a free and clear easement. The owner has been aware of this requirement for months.

With no questions or comments from Council or the public, a motion was made by Mr. Cross and seconded by Mr. Molin to enter exhibits 1 through 3 into evidence (Exhibit 1 – Ordinance; Exhibit 2 – Proof of Publication; Exhibit 3 – Sign in Sheet). The motion carried unanimously.

A motion was made by Ms. Panepinto and seconded by Mr. Cross to close the public hearing reconvene the regular meeting. The motion carried unanimously.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve Ordinance 1382, authorizing the acquisition through purchase or eminent domain for a permanent utility and access easement, as advertised. The motion carried unanimously.

**Public Comments – Agenda Items**

None.

**SROSRC Report:**

The SROCRC report was distributed via email.

**Veterans Park:**

Mr. Reese reported that he and Mr. Molin plan to attend the Monroe County Commissioner's meeting on August 4, 2021 on behalf of the Borough to express gratitude for the approval of the \$100,000.00 from the Monroe County Demolition fund for the demolition of the former IBW buildings.

Mr. Reese reported that he received a letter from Mr. Lanterman thanking the Borough and its Veterans Park Committee for the benches and other improvements within Veterans Park.

A motion was made by Mr. Cross and seconded by Mr. Molin to accept the letter received from Mr. Frank Lanterman thanking the Borough and its Veterans Park Committee for the work that the Committee has done. The motion carried unanimously.

**150<sup>th</sup> Update:**

Video interviews are scheduled for August 10, 2021 at 3:30 in Council Chambers for anyone in the community. The interviews will be added to the time capsule and shown at a 150<sup>th</sup> event in November 2021. Augustfest is scheduled for August 28, 2021 in Miller Park. Crafters and vendors will be set up in the park.

If anyone has any suggestions as to what should be included in the time capsule, please provide information to Mr. Molin by October 7, 2021.

**IBW Update:**

A motion was made by Mr. Cross and seconded by Ms. Panepinto to direct the Borough Engineer, Zoning Officer, and Manager to work together to register all non-conformities on the IBW property.

A motion was made by Mr. Molin and seconded by Mr. Cross to direct the Borough Manager to send a letter to the Monroe County Commissioners thanking them for approving the Borough's request for \$100,000.00 from the Monroe County Demolition fund to be used towards the demolition of the former IBW buildings.

**Police Report:**

The SARPD report will be presented at the August 17, 2021 Council meeting.

**East Stroudsburg Community Alliance:**

A motion was made by Mr. Molin and seconded by Mr. DeLarco to approve the permit application for an Open Container Special Event on September 3, 2021, contingent upon all fees, forms, insurance and PA LCB license being provided.

**Engineer's Report:**

The Engineer's report was distributed.

**Middle Dam Rehabilitation and New Water Supply Intake Line**

Mr. Scott requested approval of Payment Request No. 1 in the amount of \$109,656.00 to Pioneer Construction Co., Inc. for work completed through June 30, 2021, as recommended by the Borough Engineer.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve Payment Request No. 1 in the amount of \$109,656.00 to Pioneer Construction Co., Inc. for work completed through June 30, 2021, as recommended by the Borough Engineer. The motion carried unanimously.

### **Woods Road Containment and Paint Removal**

Mr. Scott requested approval of Payment Request No. 3 – Final, in the amount of \$18,400.00 to Dynamic Sandblasting and Painting LLC, contingent upon a favorable review of the contact closeout documents by the Borough Solicitor. The project is under budget.

A motion was made by Ms. Panepinto and seconded by Mr. Molin to approve Payment Request No. 3 – Final, in the amount of \$18,400.00 to Dynamic Sandblasting and Painting LLC, contingent upon a favorable review of the contact closeout documents by the Borough Solicitor.

### **PaDEP NPDES Permit Renewal for the Water Treatment Plant Discharge**

Mr. Scott requested authorization to submit the NPDES Permit No. PA0034517 renewal application to PaDEP upon review of the application by the Manager and Solicitor. The application requires payment of an application fee in the amount of \$500.00 to the Commonwealth of Pennsylvania.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to authorize the submission of the NPDES Permit No. PA0034517 renewal application to PaDEP upon review of the application by the Manager and Solicitor. The application requires payment of an application fee in the amount of \$500.00 to the Commonwealth of Pennsylvania. The motion carried unanimously.

### **Public Comments – New Business**

Josh Francis asked about the Short-Term Rental ordinance. Mr. Bond advised there will be a brief update at this meeting, and a public hearing will be scheduled for a future Council meeting. Mr. Walton described to Mr. Francis the proposed changes to the ordinance and provided him a copy as well. The proposed short-term rental ordinance will require a license, an inspection, and will only be allowed in certain zoning districts within the Borough. The zoning districts have not yet been determined. Mr. Bond also advised that copies of proposed ordinances 1379 and 1380 are available in the lobby of the Borough Municipal Building.

### **Reports:**

#### **Brian Ace/Public Works:**

The DPW report was distributed via email.

A motion was made by Mr. Cross and seconded by Mr. Molin to approve the request to dispose of all scrap metal with the proceeds being deposited into budget line item 01-365.520 Borough DPW Services.

#### **Marv Walton:**

Mr. Walton's reports were distributed via email.

Mr. Walton provided an update on the former creamery building on Grand Street. Enforcement action on that property had been initiated a few years ago by Mr. Walton. The structural engineer reported that demolition of the building was not required, however repairs were necessary. The property was sold and the property is under new ownership. The new owner has

obtained a building permit in order to repair the structure. The walls have been repaired, the roof still needs to be repaired, security cameras have been installed, and the building is more secure than it had been. Mr. Walton expects the roof repairs to be done by the end of August.

Mr. Walton reported that he has received recommendation from the Monroe County Planning Commission with regard to the Borough's proposed short-term rental ordinances. Mr. Bond distributed the report to Council for their review. The proposed ordinance for short-term rentals includes commercial and residential zoning districts. One comment that was brought to Council's attention was that short-term rentals are typically deemed commercial in nature, but the proposed ordinance would allow short-term rentals within residential zoning districts. Consideration to allow these rentals in residential zoning districts should be discussed. Mr. Walton recommended allowing short-term rentals in the commercial districts first, with the option to allow them in residential districts in the future. Mayor Martinelli stated that he is not in favor of allowing short-term rentals in residential zoning districts. Mr. Prevoznik advised that if Council wishes to amend the proposed ordinance, the ordinance would need to be reviewed by the Borough and County Planning Commission. Mr. Prevoznik said the normal process would be to send the ordinance back to the Zoning and Ordinance Review Committee to change the ordinance. After discussion led by Mr. DeLarco, Council agreed that the ordinance change did not have to go back to the Zoning and Ordinance Review Committee and that the ordinance could be amended by Mr. Walton and forwarded onto the respective Planning Commissions.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to direct the Zoning Officer to remove from the zoning portion of the proposed short-term ordinance the R1, R2, and R3 zones in which short-term rental are permitted, and to then forward the amended ordinance to the Monroe County Planning Commission for review. The motion carried unanimously.

A motion was made by Mr. Molin and seconded by Ms. Panepinto to set and advertise a Public Hearing for Ordinances 1379 and 1380 for October 19, 2021. The motion carried unanimously.

Mr. Walton reported on blighted properties within the Borough. Mr. Walton advised he has filed about fifty citations on 450 North Courtland Street over the past few years. The Borough has received a \$5,000.00 judgement from the Magistrate's Office which has been paid. The Magistrate recommended an alternate method of enforcement since fines are not effective in this case.

Mr. Walton requested authorization to retain structural engineer, Jim Wilson, to evaluate 450 North Courtland Street in preparation of a demolition order.

A motion was made by Mr. Cross and seconded by Mr. Molin to authorize Mr. Walton to retain structural engineer, Jim Wilson, to evaluate 450 North Courtland Street in preparation of a demolition order. The motion carried unanimously.

Mr. Walton requested authorization for the Solicitor, Manager, and Codes Officer to initial legal action for various code violations and failure to pay against Frank Brown for the following addresses: 70 Lackawanna Avenue, 68 Lackawanna Avenue, 50 Borough Street, and 50 Borough Street Rear.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to direct the Solicitor, Manager, and Codes Officer to initial legal action for various code violations and failure to pay against the owner of the following properties: 70 Lackawanna Avenue, 68 Lackawanna Avenue, 50 Borough Street, and 50 Borough Street Rear. The motion carried unanimously.

Mr. Walton requested authorization for the Solicitor, Manager, and Codes Officer to initial legal action for various code violations and failure to pay against the following properties: 66 East Broad Street, 72 East Broad Street, 124 Prospect Street, 248 Washington Street, 168 Grove Street, 170 Grove Street, 174 Lenox Avenue, 338 Race Street, 106 Analomink Street, and 443 Williams Street.

A motion was made by Mr. Cross and Ms. Panepinto to direct the Solicitor, Manager, and Codes Officer to initial legal action for various code violations and failure to pay against the following properties: 66 East Broad Street, 72 East Broad Street, 124 Prospect Street, 248 Washington Street, 168 Grove Street, 170 Grove Street, 174 Lenox Avenue, 338 Race Street, 106 Analomink Street, and 443 Williams Street. The motion carried unanimously.

**Finance:**

The financial reports were distributed via email.

**Mayor Armand Martinelli:**

No report.

**Sonia Wolbert:**

No report.

**Don Cross:**

No report.

**Maury Molin:**

Mr. Molin requested the Borough Manager inform the businesses and residents who have adopted a planter that the mum project will happen again this fall.

Mr. Molin reported that the dirt pile on the corner of Braeside Avenue and Centre Street has not been removed.

Mr. Molin reported the median along Lincoln Avenue has weeds growing out of the concrete and asked for them to be taken care of.

**Roger DeLarco:**

No report.

**Carrie Panepinto:**

Ms. Panepinto reported that she has been in contact with Mr. Krammes of the East Stroudsburg School District for his assistance finding a Junior Council member.

**Solicitor John Prevoznik, Esq.:**

No report. Items were covered in Executive Session.

**Manager's Report:**

Mr. Bond requested authorization to ratify a letter allowing ESU to utilize the Borough Right of Way for the Ridgeway Multimodal Project.

A motion was made by Mr. Molin and seconded by Mr. Cross to ratify a letter allowing ESU to utilize the Borough Right of Way for the Ridgeway Multimodal Project. The motion carried unanimously.

Mr. Bond reported receipt of a request from the East Stroudsburg Elks Lodge No. 319 to allow free parking on Washington Street for 18 parking meters for the Army National Guard Bar B Que on Saturday, August 14, 2021.

The Borough's policy is to allow organizations to purchase meter bags based upon the current fee schedule. The Borough's policy does not provide for free parking meter bags for any organization or person. No action taken.

Mr. Bond requested authorization for the Borough Engineer, Solicitor and Manager to work together to complete the bid specs for the demolition of the IBW buildings.

A motion was made by Mr. Cross and seconded by Ms. Panepinto to authorize the Borough Engineer, Solicitor and Manager to work together to complete the bid specs for the demolition of the IBW buildings. The motion carried unanimously.

Mr. Bond requested authorization to approve John Moore as an "A" Rate maintenance worker due to completion of requirements to advance a paygrade as per the current collective bargaining agreement and the job description. The hourly pay rate is \$24.85, retroactive to June 30, 2021.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to approve John Moore as an "A" Rate maintenance worker due to completion of requirements to advance a paygrade as per the current collective bargaining agreement and the job description. The hourly pay rate is \$24.85, retroactive to June 30, 2021. The motion carried unanimously.

Mr. Bond requested approval of budget line item transfer for water meter purchases and water distribution system repairs. Line item 06-448.316 to 06448.340 in the amount of \$10,000.00; Line item 06-448.375 to 06-448.240 in the amount of \$30,000.00; Line item 06-448.211 to 06-448.372 in the amount of \$20,000.00.

A motion was made by Mr. DeLarco and seconded by Mr. Cross to approve budget line item transfer for water meter purchases and water distribution system repairs. Line item 06-448.316 to 06448.340 in the amount of \$10,000.00; Line item 06-448.375 to 06-448.240 in the amount of \$30,000.00; Line item 06-448.211 to 06-448.372 in the amount of \$20,000.00. The motion carried unanimously.

Mr. Bond requested authorization to advertise and set a public hearing for ordinance number 1383, amending Chapter 64, entitled Alcoholic Beverages, Section 65-3, Exceptions, for Tuesday, August 17, 2021 at 7:25 p.m.

A motion was made by Mr. DeLarco and seconded by Mr. Molin to advertise and set a public hearing for ordinance number 1383, amending Chapter 64, entitled Alcoholic Beverages, Section 65-3, Exceptions, for Tuesday, August 17, 2021 at 7:25 p.m. The motion carried unanimously.

Mr. Bond provided copies of the 2019 and 2020 audits to Council members. An Audit Committee meeting will be held August 13, 2021 at noon at the Municipal Building.

**Bill Reese:**

Mr. Reese appointed the following Council members to a committee for naming areas of the Borough: Ms. Panepinto, Mr. Molin, and Mr. Cross.

**Approval of Warrant List 210803**

A motion was made by Mr. Cross and seconded by Ms. Panepinto to approve Warrant List 210803 as presented. The motion carried unanimously.

**Adjournment**

A motion was made by Ms. Panepinto and seconded by Mr. Molin to adjourn the meeting at 8:43 p.m. The motion carried unanimously.

NEXT REGULAR MEETING: Tuesday, August 17, 2021, @ 7:15 p.m., in person at the East Stroudsburg Borough Municipal Building and virtually on Facebook on the East Stroudsburg Virtual Meeting page.